

UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

| SERIAL NUMBER | FILING DATE | FIRST NAMED APPLICANT     | ATTORNEY DOCKET NO. |
|---------------|-------------|---------------------------|---------------------|
| P-105,630     | 07-Mar-02   | WILLIAM F. NORDLIN, ET AL | 913/38954/283       |

Title: HYDRAULIC PUNCH DRIVER

|  |
|--|
|  |
|--|

|          |              |
|----------|--------------|
| Art Unit | Paper Number |
|----------|--------------|

Correspondence Address:

JAMES A. O'MALLEY  
TREXLER BUSHNELL GIANGIORGI BLACKSTONE & MARR, LTD  
105 W. ADAMS STREET, STE. 3600  
CHICAGO IL 60603-6299

PATENT & TRADEMARK OFFICE  
**MAILED**

MAY 06 2002

LICENSING & REVIEW

Please find attached a communication from the Examiner regarding the  
Petition for Retroactive License under 37 CFR 5.25.

RECEIVED BY MAIL  
MAY 13 2002

TREXLER BUSHNELL GIANGIORGI  
BLACKSTONE & MARR, LTD.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND  
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, DC 20231  
www.uspto.gov

James O'Malley  
TREXLER, BUSHNELL, GIANGIORGI,  
BLACKSTONE & MARR, LTD.  
105 W. Adams Street, 36<sup>th</sup> Floor  
Chicago, Illinois 60603

In re: Nordlin et a; : DECISION ON REQUEST  
Serial No.: P105,630 : UNDER 37 CFR 5.25  
Filing date: November 13, 2001  
Docket No: 913/38954/283SK

Title: HYDRAULIC PUNCH DRIVER

This is a decision on the petition filed on March 7, 2002 for retroactive foreign filing license.

37 CFR 5.25(a) requires the following:

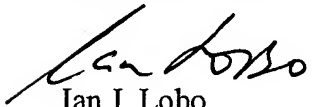
1. A listing of each of the foreign countries in which the unlicensed patent application material was filed,
2. The dates on which the material was filed in each country,
3. A verified statement (oath or declaration) containing:
  - i. An averment that the subject matter in question was not under a secrecy order at the time it was filed abroad, and that it is not currently under a secrecy order,
  - ii. A showing that the license has been diligently sought after discovery of the proscribed foreign filing, and
  - iii. An explanation of why the material was filed abroad through error and without deceptive intent without the required license under § 5.11 first having been obtained, and
4. The required fee ( § 1.17(h)).

The petition is **Denied** at this time in that the petition is defective since the requirements set forth in 37 C.F.R. 5.25(a)(3)(iii) have not been met.

The declaration of James O'Malley does not suffice to constitute filing of the application abroad through error and without deceptive intent. What is required is a verified statement from the person or persons who had knowledge and made the actual decision to file. Specifically, it is suggested that a verified statement from the German person or persons who actually had knowledge and filed the application in Germany, be obtained.

Accordingly, the provisions of 37 CFR 5.25 not having been fully met, the petition is denied, and

in the absence of any response within **60 days** of the mailing date of this letter, such denial will be made final and the final action under 35 U.S.C. 185 will be taken. Extensions of time may be had under 37 C.F.R. 1.136(a).



Ian J. Lobo  
Patent Examiner  
(703) 306-4161